THE VERMONT FREEMAN.

"EXECUTE YE JUDGMENT, AND DELIVER THE SPOILED OUT OF THE HAND OF THE OPPRESSOR."

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THE VERMONT FREEMAN,

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From the Emancipator and Free American.

THE LATIMER CASE.

CONTINUED.

We did not intend to divide Mr. Austin's most pregnant and useful communication. The closing paragraphs were omitted by a casual error of the printers. We now give the portion, with the accompanying remarks, and ask for all our historical compilations a most diligent consideration.

CONCLUSION OF MR. AUSTIN'S STATEMENT.

At about ten o'clock on that night, $400 was paid to Mr. Coolidge, and Latimer was made a free man.

There are several suggestions which naturally arise on this statement of the facts.

The first is, that by the order of the Sheriff to the Jailor, no fugitive slave can ever be detained in and removed from this city under the present provisions of the laws of the United States. So far, then, this case is highly important in its results.

It has been asserted frequently, that Mr. Gray had refused, from time to time, various sums of money, for Latimer. I can only say, that no direct, positive offer has ever, to my knowledge, been made to Mr. Gray, except that made at South Boston, being a check for $600. In the next place, Mr. Gray did not come here to sell this man. He came here under the mistaken belief that the laws of the United States were sufficiently explicit to enable him to obtain, in a legal manner, that which, by the Constitution of the United States, is made property.

In regard to the standing and character of Mr. Gray, as this statement is prepared without his knowledge, I feel that I have a right to say something. Mr. Gray is a young man, who, by his own exertions, has earned in a legitimate mercantile business, a competence. He is a married man, with a family of children, and he enjoys the respect and esteem of the citizens of Norfolk. He is no "slave breeder or slave dealer," as has been basely asserted; but under the laws of his native State, he holds to his service and labor, some three or four persons to assist him in carrying on his business. He came here a stranger, to prosecute a claim made legal by the Constitution and Statutes of the United States, he has conducted [illegible] strictly according to law, and he has not merited nor deserved the opprobrious epithets and abuse which have been heaped upon him through some of the presses and by some of the citizens of this place.

Neither is it true that Mr. Gray has been the representative of any portion of the Southern population. He has pro-ecuted this claim so'ely on his own account, and without the pecuniary assistance of any one.

I cannot close this statement without a single remark in my own behalf.

I have acted in this matter throughout in my professional capacity. I have no more favorable opinion of the institution of slavery, than the most ardent of those who seek its immediate abolishment—but I have yet to learn that the counselling and advising of a stranger, in the exercise of his Constitutional privileges, is a crime. I have no feeling in this matter—no ill feeling to those who, under the shield of anonymous newspaper communications, misrepresent my motives and conduct—and no feeling of regret that Latimer is a free man. I could have wished, however, that his emancipation had been effected in a different manner.

It may or may not be the duty of the citizens of the North to observe the compact entered into by their ancestors, with the inhabitants of the South, in regard to slavery—but bad as is this institution, and great as is the curse it brings on the nation, I am one of those who think that the dismemberment of the Union would not accomplish the end proposed, or favorably affect any portion of the country—and that, as long as we are a united people, the citizens of the South, whenever they seek to enforce their rights, are entitled to the services of those persons who, by education, are qualified to advise them how to observe the provisions of the Constitution and Laws of their country. E. G. AUSTIN.

19 Court street, Nov. 21st, 1842.

21. It seems clear that the $400 was obtained wrongfully and fraudulently, and we should like to hear an argument pro and con., before the proper tribunal, to see whether the transaction is what is technically called obtaining money by false pretences. Those who paid the money acted under an apprehension that Latimer might be spirited away. Coolidge obtained it under Austin's injunction to get as much as he could. Perhaps it can be recovered back.

22. Mr. Austin's conclusion that now "no fugitive slave can ever be detained in and removed from this city, under the present provisions of the laws of the United States," proves what we have always maintained, that those laws are a nullity, for the laws now are the same that they always were, and hence a slave never could be removed under their provisions, and all that have been removed were taken, as Latimer would have been but for the *interference*, that is, by willing tools here supplying by their zeal the defects in the law. Whether there exists any process by which the wrongs thus committed on the innocent and helpless can be redressed, we are unable to say. A reckoning may come, one day, which will surprise many.

23. The correction of Mr. Gray's "mistaken belief that the laws of the United States were sufficiently explicit to enable him to obtain in a legal manner"—possession of a man to be made a slave in Massachusetts, has been rather an expensive process, both to Gray and to the people of Massachusetts; but we are of opinion that, in this case, bought wit is worth its cost.

24. It will be well for Mr. Austin if he wishes to retain the name of a lawyer, to rid himself as soon as possible of the phantasy that a slave is "by the Constitution of the United States made property." It is an error very dangerous in its influence, and yet too foolish to be advocated in Massachusetts.

25. Would Mr. Austin please to be a little more explicit in regard to the "legitimate mercantile business" by which Mr. Gray has become so rich? We recollect hearing a most brilliant argument, once, from the Attorney General of Massachusetts, to prove that "Deu. Giles' Distillery was "legitimate business," and that therefore it was a crime for a certain dreamer to attempt to excite odium against him; but we do not think it would be so easy now to satisfy the people that rum-selling is very respectable.

26. If Mr. Gray's claim was "made legal by the Constitution and Statutes of the United States," how did he happen to fail of his suit? Are there wrongs here which have no remedies? We take it, the claim is a mere creature of law, and that if the law has not sustained it, it is no claim.

27. The people of the South will not fail to observe Mr. Austin's anxiety to convince the people of Massachusetts that he has not been guilty of a "crime."—That he has committed a great *mistake*, which will warn not only him but every other lawyer that values the good opinion of his fellow men, is admitted—if he will only consent to say it is not a "CRIME." We will never mollify the word. If it was his ignorance, he knows that "ignorance of the law is no excuse for crime." It was his business to know, that slavery itself is a crime, and that every act abetting slavery is a crime also. And if he, and the Sheriff, and Jailor Coolidge have chosen to shut their ears to the instruction on this subject with which the abolitionists for ten years have filled the air, they shall not now shield themselves under the plea that they did not know any better. If they do not want to hear anything said about it, let them move away, out of Boston. Here they will be uncomfortable as long as they and slavery live.

27. The insinuation that the people of Massachusetts are failing "to observe the compact entered into by their ancestors," is repelled with indignation. Let Mr. Austin point to a single clause which has been broken. We have given them all their rights, but we have put a stop to their wrongs. The roused spirit of Liberty among the people, wiser than our lawyers and more upright than our judges, has decided the question beyond the reach of all casuistry. A Daniel has come to judgment, and the remorseless bondholder has been decreed his pound of flesh, taken nearest our heart, but bid beware how he spills one drop of Massachusetts blood, or takes the value of a hair that "is not in the bond."

There are some important omissions in Mr. Austin's statement, notwithstanding its fulness. He has thought proper to pass over in silence the extraordinary proceedings connected with the charge made by himself on oath against Latimer, of larceny in this Commonwealth, and the equally unjustifiacle refusal of officer Coburn to make actual service of the first Habeas Corpus upon the body of Latimer at the time he was required by Mr. Merrill to take him. It is of the utmost consequence to the vitality of the Hab. Corp. process, that this latter transaction should be duly noticed, otherwise the door will be left open for the most horrid transactions, if officers are allowed a discretion in delaying the service of such a writ. These and one or two other important points will be found set in a clear light in the following article, taken from the Latimer Journal. We have no doubt that this statement is perfectly reliable, in all its parts and details.

From the Latimer Journal, Nov. 16.

LATIMER'S CASE.

About 4 o'clock in the afternoon, on the 19th of October last, two gentlemen called on Messrs. Merrill and Ellis, at their office, 10 Court street, and stated to them that George Latimer, a young man of color, had just been seized and imprisoned, without warrant, in the lock-up under the Court house, by constables Loring and Boardman, acting under the direction of one James B. Gray of Norfolk, in the State of Virginia, who claimed Latimer as his fugitive slave, and at the same time charged him with having committed larceny in that place; that great apprehension existed lest Gray should run him off out of the Commonwealth, under cover of the night, without due process of law and before any investigation of the matter could be made, and that Latimer, who proclaimed himself free and innocent, wished to retain them as counsel, and desired them in his behalf immediately to apply for a writ of habeas corpus to ascertain the cause of his unlawful detention, and also to bring an action in his name, against Gray, for the slander of calling him a slave and a thief.

Accordingly a writ against Gray wherein the damages were laid at $6,000, was placed in the hands of Mr. Deputy Tarbell, with orders to hold Gray to bail thereon, but Gray, as he was nowhere to be found, was not arrested that night.

Application being also made to Chief Justice Shaw by the petition of Latimer through his counsel, his Honor, with the advice of all the Judges, issued a writ of habeas corpus directed to the Sheriff of the County of Suffolk and his deputies, directing them to take the body of Latimer, said then to be unlawfully imprisoned and restrained of his liberty by one Loring and Boardman, or some other person, to him (Latimer) unknown, and bring him before the Justices of the Supreme Judicial Court at Boston forthwith, and to summon the person so detaining him to appear before the said Justices and show the day and cause of his taking and detention.

In the mean time, E G. Austin, Esq., on behalf of Gray, had sworn to a complaint before the Police Court, charging Latimer with having committed larceny *within this Commonwealth*, and in pursuance of a warrant issued thereupon, one Jonas Stratton, a constable, had taken Latimer into custody.

The writ of habeas corpus having been delivered to Deputy Sheriff Coburn with orders to take the body of Latimer immediately, he, accompanied by Mr. Merrill, at about 7 o'clock in the evening, proceeded to the lock-up under the Court House, where they found Stratton. Mr. Coburn then asked Stratton if Latimer was in his custody, and informed him that he had a writ of habeas corpus for Latimer. With some hesitancy, Stratton replied, "I believe you'll have to give it to the jailor;" but in a moment after he said to Coburn, "I wish to see you alone," and took him into an adjoining room, where they were some time together. At length Mr. Merrill went in also; upon which Mr. Coburn said, "Mr. Merrill, I would as lief you would know as not;" and they then stated to him that Stratton held Latimer under a warrant from the Police Court, and that there was no possibility of Latimer's being hurried off that night by Gray. Mr. Merrill asked Stratton if Latimer was *there*, to which he would give no definite reply, and thereupon Mr. Merrill said to Mr. Coburn, "I am satisfied that Latimer is now here, and I direct you in pursuance of the order of the Chief Justice as set forth in the writ to take Latimer immediately into your custody." Mr. Coburn replied, that he had served a great many writs of habeas corpus, that he understood all about it, that it was a sufficient service to summon the person detaining Latimer, and that he would arrange it with Stratton to have Latimer forthcoming at the proper time. This did not satisfy Mr. Merrill, who still required Mr. Coburn to take Latimer from the custody of Stratton, according to the exigency of the writ, but, in plain disobedience thereto, Coburn neglected so to take and Stratton so to deliver up Latimer. A service by summons was afterwards on the same night, however, made by Mr. Coburn and Stratton who held Latimer *wrongfully* after the service of the habeas corpus and committed him to the County jail, of which Nathaniel Coolidge is keeper; which commitment, although made under *color* of law, was *tortion* on the part of Stratton, and unlawful, and, there being as yet no authority from Gray, the master, to either of them, they were trespassers.

The next morning, in the Police Court, the examination of Latimer on the charge of larceny *within the Commonwealth*, was, by agreement between Mr. Austin and S. E. Sewall, Esq., who had been employed as assistant counsel for Latimer, ordered to be continued until after the hearing on the habeas corpus.

Afterwards, on the same morning, in a conversation with Mr. Austin, Mr Merrill incidentally remarked that the complaint entered by him (Austin) against Latimer, was for larceny *within the Commonwealth*. Mr. Austin replied that there was no such complaint; that the one he had made was for larceny *in the State of Virginia*, and for being a fugitive from justice therefrom. Being assured, however, that the complaint was for larceny *within this Commonwealth*, he went with Mr. M. to the Police Court, and, addressing the Clerk, said, "Mr. Power, did you understand me to enter a complaint against Latimer for larceny within this Commonwealth?" "Certainly," said Mr. Power. "I never entered such a complaint in the world," said Mr. Austin To this, however, Mr. Power replied by a shrug of the shoulders, and by producing the written complaint, duly sworn to by Mr. Austin, who then stated to the Court, that it had never entered into his mind to make such a charge against Latimer; that the complaint he had actually made was for larceny in Virginia, and being a fugitive from justice therefrom; that the whole matter was a mistake of the Clerk's. After this statement from the complainant, Mr. Merrill moved the Court to dismiss this complaint, and discharge Latimer, since there was now no complaint against him. The *learned* Justice of the Police Court doubtingly observed, that it was not *the practice* there to hear a motion for dismissal, until the officer made his return on the warrant, as if the whole proceedings so commenced by mistake were not illegal and *void*, and it was not the duty of the Court to quash them instantly. Stratton, the officer, was then called upon, in Court, to make his return, which he promptly declined to do. A motion was then made for a rule of Court on Stratton to make his return forthwith, in order that a motion for Latimer's discharge might be duly made, but the Justice passed no such rule out, and thought proper to suffer Stratton to take his own time.

Thereupon Mr. Merrill, on the ground of Mr. Austin's statement, moved the Court to order *nolle prosequi* (that the complainant desires not to prosecute,) to be entered on this complaint; but the same *learned* Justice seemed to think that such a motion ought to come from the complainant, as if the complainant's statement—that the whole matter was a *mistake*, and that he had no idea of making such a charge, was *not* such a request to the Court, and did not make it the *imperative duty* of the Court to make such entry—so that Latimer was kept in prison still longer by the connivance of the Police Court, until a *new* complaint could be made and a *new* warrant issued against him, on the charge of larceny *in Virginia*, and being a fugitive from justice. Before Latimer was taken in custody on such new complaint, however, Mr. Deputy Sheriff Tarbell, by virtue of the writ of Habeas Corpus, again made a demand on Stratton, and also on Coolidge, the jailor, for the body of Latimer, but he was delivered up by neither.

In the afternoon of the second day [20th] a new complaint having been entered by Mr. A., and a new warrant despatched for the incarcerated Latimer, Mr. A. and the Justice very *kindly* condescended to have the first complaint dismissed, and it was dismissed accordingly.

We have now given a statement of the proceedings down to the time of the hearing on the Habeas Corpus.

Whatever deficiencies or errors exist in Mr. Austin's account of the final issue, will be supplied by the following eloquent narration, on which we should like to make many comments and inferences did time and space allow.

From the Latimer Journal, Nov. 23.

OUR TRIUMPH.

The old Bay State has gained a most glorious yet bloodless victory. Mr. Gray has gone back to tell Virginia that henceforth in Massachusetts no jail will be opened at the slave-holder's bidding. The means by which this victory was gained were various. A fortnight ago we thought a miracle would be performed before the prison doors would be opened. After the decision of Judge Shaw at Leverett-street jail, and Latimer was remanded to prison, we felt in utter despair. Massachusetts law lay powerless before a slave-catching constitution. Judge Shaw had submitted to the tyrant. We saw fire and bloodshed threatened in every direction, both in the city and country. From one town an offer of five hundred muskets was made; in the city, notes of warning in the form of clubs and bowie knives were heard in various quarters. There was but one feeling amongst a large portion of the community—it was deep and strong—it said in half-muttered, half-savage tones, "The slave never shall leave Boston even if to gain that end our streets pour with blood." Some thought, and truly, so far as we can judge, that if three-pence a pound produced a revolution, the liberties of Massachusetts trampled upon by our highest functionaries called for as great sacrifices as were made in former times.—Some of our city friends may smile at all this, but we can assure them Latimer never would have been carried off unless at the point of the bayonet. Feeling that bloodshed would be a dreadful termination; knowing too, from the history of all mobs, that, though sometimes commenced for *really* good purposes, they rarely cease with success in their object, but roll onward and bring ruin where there was originally no intention to destroy—we shrunk from doing any thing to excite these revolutionary feelings, but on the contrary, endeavored to bring forward more peaceful principles. One of us, a fortnight since, consulted a lawyer in regard to the purchase of Latimer. This was done on his own responsibility. A correspondence took place between this lawyer and E. G. Austin, but Mr. A.'s answer was couched in such language—(see who'll buy? &c., in our last number,) evidently coming from the fierce slave-holder's heart, that no notice was taken of his communication. Subsequently, learning from Latimer's counsel, that he was held illegally in prison, some few of us united and determined to buy him in another manner. Accordingly, overtures were made to James Wilson, the slave agent, and Mr. Coolidge, the slave keeper.—These overtures were rejected, when they seemed on the very point of fulfilment, and one called infidel and atheist was about substituting himself in the place of the prisoner—setting thereby an example of self-sacrifice which puts to shame the *Christianity of Boston*. We were in greater distress than ever. About this time time the Grand Jury were asked to indict Mr. Coolidge, but they *refused*. Our city seemed doomed to blood. Thus amid the storm our North Star appeared; we labored hard upon it and it gave us peace. The people seemed to receive it joyfully. Instead of utter annihilation, as we expected, we were quietly received, and it shone on the people. Our publisher, it is true, was requested by the subscribers of his other paper, the Boston Courier, not to allow our placard to be seen in front of 15 State st., and our printer was told his office would be pulled down, but these *little* incidents only nerved us for the battle. As the slave interest had a "Bee" buzzing industriously in its favor, we sought to rouse up a whole nest of "*Hornets*," for slave attornies, slave hunters, and slave agents. We spared none who offended us. By and by we heard of another plan, and we signed a paper to Mr. Eveleth requesting him to remove Coolidge the jailor, for misuse of the jail. Mr. E. quietly kept this letter in his pocket, because, we presume, it was signed by S. E. Sewall, and others of like stamp.—Of course any request from such a vile sect as the abolitionists needed no notice from such a dignitary as he! Finding no effect produced, these same fanatics caused a petition to be signed to Governor Davis, requesting him to remove forthwith Mr. Eveleth from the office of Sheriff. Two or three lawyers were requested to sign this petition and refused, but one of them said he would speak with the high Sheriff and tell him what was being done, and see what he thought of the matter. Meanwhile the petition was signed and sent to the Governor, and the lawyer calling upon Mr. E., learned to his surprise, that what we and all interested in the slave had been trying to press upon the public was true, viz., that Latimer was illegally confined in jail, that our public State property had been made the barracoon of a Southern slave-driver; that this was done by Coolidge, *as agent of Gray*. He learned moreover, that this was done with *the tacit consent of Chief Justice Shaw and High Sheriff Eveleth:*

"Extemplo magnas it Fama per ubes."

All the lawyers were suddenly aghast; the laws had been injured; every one decided against Mr. Eveleth. Even Judge Shaw then said that Mr. E. was a "volunteer." The effect of these two petitions, we assure our readers, was very amusing to us who were looking on. We saw that the tyrants were about to lick the dust. So the rumor went, "vires que adquirit eundo." On Friday last, the trials of the rioters came on, and Latimer was demanded as a witness by a writ of habeas corpus.—Worse and worse. Sheriff Eveleth is in a great consternation. Poor man! he knows not what to do. He returns as answer that he has no such prisoner. Yet he is not such a fool as not to think that all the world well knows that a human being is held illegally in the jail which is under his sole direction. The writ is served on Coolidge, who in trepidation says the man shall come forth. Late in the afternoon of Friday Sheriff E. appeared in the office of one of the friends of Latimer, and with symptoms of almost mortal agony, and with the "sweat of his brow" standing in drops, begged that all further proceedings in regard to this petition to the Governor for his own removal from office might be quashed, and in order to promote this worthy end he read aloud an order to Mr. Coolidge to give up Latimer before 12 o'clock, the next day, and a prohibition for him ever to receive another slave within the precincts of the jail unless under the proper order of some competent court. He assured them that the whole confinement of Latimer during the fortnight had been contrary to his own wishes, but that the tacit consent of Judge Shaw had sustained him. A few hours previously to this interview we had had overtures from Mr. Austin, stating that if we would pay $300, Latimer should be set free. We thanked our counsel, but having previously agreed with Mr. Coolidge and at Mr. C.'s request, that if Latimer were made free at 7, P. M., we would give $650 as the expenses of the trial, we politely declined the request of Mr. A., though we really thought the price had diminished vastly within a week, viz., from $1500 to $800. All our arrangements were prepared before we knew of Mr. Eveleth's order already mentioned, and of course that decided us not to give one cent. We felt sure that Mr. E. and Mr. Coolidge would not allow Latimer to be carried away, for the loss of their offices would have been the consequence. We therefore visited the jail and informed Mr. C. that though all the money was in our pocket we had decided not to give any of it to him, and we warned him to *beware* of allowing Latimer to be taken away during the night. The tables were quite turned, and *we* triumphed, but we must confess our heart smote us at perceiving the utter consternation of poor Mr. Coolidge. His face comes up before us now, the perfect picture of despair.—We pitied him as the old English Admiral pitied the French whom he was demolishing,—"It smote his very soul to cut their throats,—and then—he cut their throats." We left him, fully believing that Latimer would be free and Massachusetts would be erect again on the morrow, and the vile slave-hunter would return with curses on his lips to Norfolk.

Late in the evening, we received advice from two prominent lawyers to go down again and make an arrangement with Mr. Coolidge.—With great reluctance we went, and in fact, once turned away, determined not to enter the jail door, but finally we went to it for the purpose of conversing again with Mr. Coolidge, who found a bargain had been concluded for $400 by another gentleman. As the matter was settled we chose to agree to pay one half of the money, with the understanding with Mr. Coolidge that not one iota of it was to be used except to pay, *in part*, the expenses incurred by Gray. Within half an hour afterwards we saw Latimer free, and we felt that the cause of freedom had triumphed, that in future we should have no hunting of men in the old Bay State.—But, fellow citizens, let us look out for troublous times at the next session of Congress, and let us not be taken sleeping, for, be assured, the viper of slavery will yet again seek to entwine itself around us by a new law, or some modification of that passed fifty years ago upon this subject.

THE UNION THE BULWARK OF SLAVERY.—In the great Mississippi slave case, Mr. Clay took the ground that the connection of Mississippi with the Union was necessary to her security against her slaves. "He showed, (says the correspondent of the Colored American,) that the safety of Mississippi consisted in her connection with Union; that she owed her security against slave insurrection to the genius of Fulton, by whose steamboat invention the myriads of men on the banks of the Ohio and Mississippi could be speedily conveyed to the scene of action, in case of a servile war in that State." Let her be insolated from the Union, said he, "let her be an island in the ocean, and the time would come, when the white population would be subdued by the colored race." He stated that the slaves already exceeded the white population of the state, by 20,000.

THE ASHBURTON TREATY—ARTICLE 10.

It will be recollected that, in the interview of Messrs. Lewis Tappan, Gerritt Smith, and other abolitionists, with Lord Ashburton, at New York, his lordship was asked in regard to the scope and object of the 10th article of the treaty negotiated by Mr. Webster and himself, whether it would not be applied to the re-capture of fugitive slaves from the British territories, as in the case of poor Nelson Hackett. Lord A. said that in framing the Tenth Article, great care had been taken to provide that inferior magistrates in Canada should have no authority to surrender fugitives, as had been urged by the other party, and that only the Governor himself could perform an act of so great importance. Great care would be taken, he had no doubt, to protect the innocent, and that *the taking of any article necessary to effect an escape would not be considered felonious*. If, said he, the operation of the Tenth Article proves injurious, he had no doubt the British Government would put an end to it, agreeable to another provision of the Treaty, viz: "The Tenth Article shall continue in force until one or the other party shall signify its wish to terminate it, and no longer." Lord A. said that when the delegation came to read his correspondence with Mr. Webster, they would see that he had taken all possible care to prevent any injury being done to the people of color; that if he had even been willing to introduce an article including cases similar to that of the Creole, his Government wou'd never have ratified it, as they will adhere to the great principles they have so long avowed and maintained; and that the friends of the slave in England would be very watchful to see that no wrong practice took place under the Tenth Article.

The "friends of the slave in England" have not been unmindful of the case. In the London Anti-Slavery Reporter for Oct. 19, we find a letter from the benevolent and ever watchful Charles Stuart, on this subject, which we hasten to copy. The editor of the Reporter adverts to other communications indicative of the jealous interest in that subject by the British public. The Reporter, however, adverts to a further safeguard that may yet be applied, in the phraseology of an act of parliament. "Happily, the British public will have an opportunity of exerting a salutary and decisive influence. The tenth article can be of no effect on British territory, until an act of parliament has been passed in conformity with it. The matter, therefore, must pass deliberately through both houses of parliament, and all necessary pains may—and doubtless will be taken there, to make the phraseology of the law what it ought to be." We confide the case to their fidelity, and wait to see what is done in parliament.—Eman.

CHARLES STUART'S LETTER.

Redruth, October 5th, 1842.

MY DEAR FRIEND,—The Tenth Article of Lord Ashburton's Treaty, appears more and more horrible to me, as repeated considerations seem to develope its character. My reasons are as follows:—

In all slave states of the United States, and in one at least of the free (Ohio,) the colored, whether enslaved or free, have no evidence in law. When accused, therefore, no evidence except that of free white persons can be legally received in their favor; but whenever the contest is with free white persons, you see at once, how hopeless to them, generally speaking, such a defence must be. Was Lord Ashburton aware of this? Or is there one amongst us, who, excluded entirely from those of his own class, could be content to repose the question of his honor, his liberty, or his life, upon the testimony and judgement of his [illegible] and exasperated enemies?

Now, suppose a free colored subject of the United States is reclaimed from our government with the legal affidavits, as a fugitive criminal.—By the treaty, as I read it, we are bound to give him up; but to what do we give him up? To a fair trial? This must have been Lord Ashburton's idea. To a fair trial? Possibly; but certainly not once in a hundred times. To a fair trial? No; but to the power of a law system which has already deprived him of almost all possibility of proving his innocence, if innocent; and which leaves his acquittal or condemnation to a judiciary, outrageously at war with his safety, his honor, and his happiness. The ninety-nine probabilities out of a hundred are that he will be judged with fearfully partial severity. Yet, if he belong to the free states, there is still a mitigation—a sacred mitigation in his case. After undergoing the awarded punishment, he will be free—he will be restored to his manhood. But shall he belong to the slave states, his crime, by the laws of the state in question, may direct or sanction his being sold into slavery, either immediately, or after he has undergone some other dreadful penalty.

I am not willing to believe that Lord Ashburton contemplated this; nor, as long as it is possible to doubt, will I believe, that our government will sanction the article in question, without expressly and effectually providing against such results.

But a still worse evil is involved in the treaty. The slave, whoever he is, wherever he comes from, as soon as he touches British ground, is free. Glorious feature of our country! Well, a slave from Arkansas, we will say escapes to Canada, and from the moment that he arrives there is a free man. British law, in this particular executing the divine, restores to him his inherent manhood and the Ægis of British power is nobly spread over him. But he is accused of theft, and the United States government, supplying the legal certificates, reclaims him for trial—Lord Ashburton doubtless presumed, for a fair trial by his peers. By his peers! Alas! he has none, but the cattle which graze his master's field, or the furniture which adorns his master's habitation! For a fair trial! What! a fair trial with no evidence admissible by law in his favor except the evidence of exasperated enemies! What! a fair trial of a runaway slave by indignant slave-masters! And, after all, when he has been tried for theft, when, of course, he has been found guilty, and when he has undergone the worst rigors of the law—what, ah! what becomes of him if he survives? Will his liberty, which God had restored to him by British instrumentality, be given back by the slave-holder, exulting in the recovery of the runaway slave, and in the fearful example which he has made him to his fellows against similar transgressions of slave-laws? Will he be at liberty to return openly and without impediment to Canada? Alas! he is in Arkansas—he is in the fangs of his tyrants; he was long ago legislated by them into a thing, and all his fair claims to equal manhood have of old been spurned with infinite indignation. And how would the coward pride and the tyrant selfishness of the slave-system quail and writhe in every nerve at the departing glories of slavery, should a slave's claim to the common and inalienable manhood with which God has endowed every man, and to its fair and equal rights, be thus publicly acknowledged!

Lord Ashburton meant, I presume, that criminals on both sides should be equitably restored, in a friendly manner, to fair trial and judgment; and so far, every honest mind will applaud and support him.

Nelson Hackett's case affords a fine opportunity of testing the question. If the Americans be honest in the treaty, they will scrupulously restore him to Canada, should he survive, after undergoing the punishment they may award him for theft; and how would my soul exult with thanksgiving should they do so! But, if he perish, or, if they retain him in slavery, and we be consenting to it, how criminal, debased, and dastardly will be our posture—how daringly shall we again begin to violate the Divine commandments, Deut. xxiii. 15, 16, and James v. 1—4, &c. My heart's prayer is, that the Sovereign Mercy which so long spared us amidst all the abominations of our own recent slave system, and which so graciously led us out of it in peace, may here again preserve us, nor suffer us to make ourselves kidnappers of freemen—for let us always remember that, once on British ground, the slave is restored to his liberty by British laws, as he always was entitled to it by Divine—nor suffers us, I say, to make ourselves kidnappers of freemen, out of regard to a supremely hypocritical power, the tyrant republic, which will be the first to detect our shallowness and to despise our pusillanimity, whilst it boasts of our brotherhood in corruption, and supercilious smiles upon our tame subserviency to its idol guilt. CHARLES STUART.

In this connection, we also present an editorial paragraph which appeared in the "Valley Star" published in Lexington, Va., Sept. 21, 1842, commenting upon Mr. Tappan's account of the interview with Lord A.

LORD ASHBURTON'S CONFERENCE WITH THE ABOLITIONISTS.

It will be seen from the following report, what sort of manœuvering Queen Vic's Envoy Extraordinary has resorted to according to his own account, to protect our slaves in their efforts to escape from the service of their masters. Under the clause of the Treaty relating to the surrender of fugitives, it is stipulated that both Governments are bound to surrender the fugitive from justice upon proper application by the proper authority, and is so broad as apparently to cover every case. Yet such is the interpretation given to it by this British Abolitionist, that if a negro escapes into Canada, and is even here convicted of stealing a horse he is not under this clause to be surrendered. If this is the true interpretation of this Treaty, then it smells strongly of a cheat, and as such should meet with the hearty condemnation of every American. Let the Governor General of Canada refuse to surrender a slave under such circumstances upon the application of our Government, and whatever may be Webster's and Ashburton's opinion about the morality or legality of stealing, it will at once serve as a signal for the citizens of Maine to seize upon the *surrendered* Territory and to hold it in spite of the fraudulent Treaty, backed by the arms of England.

A LATIMER CASE IN OHIO.

The peaceful town of Newark, in Ohio, has recently been thrown into quite a turmoil by the arrest and commitment to jail of a negro man named Nelson, claimed as the property of John Dyke, of Clarke Co. Ky., his removal under a writ of habeas corpus, and final escape.—Nelson came to Newark some four months ago, and hired to tend a livery stable, where he remained until his arrest, a steady and attentive hostler. Judge Hughey issued the warrant for the arrest of Nelson, and the Sheriff committed him to jail to await an investigation into the claim set up for him as a slave. The Ga-

This was the first intimation the public had of any thing of the kind going on, and as might well be expected, it created a terrible buzz in the camp of the abolitionists; expresses were despatched hither and thither in every direction. Messrs. W. Stanberry and S. White were engaged as counsel for defendant, and Mr. G. B. Smythe for plaintiff, and every thing was in a whirl of excitement. This feeling continued until Monday morning, when all expected to hear the trial. But before the trial came on, a writ of habeas corpus was issued by Judge Bancroft of Granville, and despatched to the Sheriff, authorizing him to have the prisoner before him in Granville forthwith. This was only oil to the already burning flame; the excitement increased, and breath was by no means spared by either of the parties.

After considerable difficulty, at times nearly amounting to a riot, the prisoner was taken to Granville, and the trial took place in the conference room of the Academy, which was crowded to its utmost with excited spectators. Mr. Stanberry appeared as counsel for the negro, and Mr. Smythe for the claimant. The Judge decided the law of Ohio under which the slave was arrested, to be unconstitutional, and the Court said, "that in deciding such cases, it would rely altogether on the decisions of the higher Courts, and as U. S. Supreme Court had decided that all laws conflicting with those of the General Government are unconstitutional, he must therefore discharge the prisoner."

But now followed a scene, that if put on canvass, would have honored a Hogarth or a West. It defies description. No sooner had the Judge said that the prisoner was discharged, than a rush was made for him by the abolitionists, he was caught by the collar and dragged a few paces, when the crowd became so thick around him, that some laying hands on him were mistaken for "*Nigger-ketchers*" and had their faces used as anvils for the greatest kind of sledges, and for a few seconds confusion reigned triumphant. While we were laughing to see the abolitionists endeavoring to maul each other, we were no less amused by the looks of the Kentuckian and his assistant.

He stood back apparently stupified, his neck stretched to its utmost, and his eyes like musket balls resting on his cheeks—the very picture of horror, suprise, and dismay; and we suppose saying his prayers, and making his peace with the world. We turned our notice to the negro jumble, which had now reached the door, and followed it as fast as possible, but by the time we got out, they had reached the street with the negro, had him mounted on a horse, an escort by his side—when one loud whoop of triumph was given by the abolitionists, returned by the negro ahead, his form receding from view, and the clashing of hoofs as he went over the hills West of Granville, was all that was left of what had caused so much fuss.

SECOND BAPTIST CHURCH, WORCESTER.

The following is an expression of the views entertained and adopted by the Second Baptist Church in Worcester on the subject of slavery:

Whereas domestic slavery, as it exists in our country, is encouraged by a portion of the Baptist church at the South, and defended by it on the authority of the Bible, and

Whereas it is supposed that a portion of the Baptist church at the North countenance them in such a course, and thus by their influence uphold the system of slavery; therefore,

Resolved, That this church believe slavery to be a *great sin* against God, and a reproach to the Christian church, having no countenance or support from the Bible; and that it is the duty of all Christians to use every suitable measure for the immediate removal of this sin from the church and the world.